IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5330 of 2005

Rajendra H. Dubal and ors. ... Petitioner
vs.
Rashtriya Chemcials and Fertilizers Ltd. ..... Respondents

Mr. Bhaesh Parmar for Petitioner
Mr. Jamshed Lentin i/b. M/s. Bodhanwala & Co., for Respondents

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 16/11/2005

P.C.

1. Rule. Heard forthwith.

2. The Petitioner's grievance is that Respondent no.1, a public sector undertaking used to prepare a list of apprentices and used to give them preference for employment for vacancies that arise with the Respondents. The Petitioners contend that though they were in the list their juniors were called for interview and they were excluded. Hence the present petition.

3. On behalf of the Respondents a reply has been filed by

Sudhir Parkhi, Deputy General Manager (P&R) Corporate, of the Respondent no.1. It is set out therein that Respondent no.1 engages apprentices for its operating plants, who are either HSC or B.Sc., or +NCTVT or Diploma in Engg. + NCTVT after proper in-house training. There was no vacancies till 2004 for the operator trainees. As there was going to be retirements for next 4 to 5 years they proposed to engage B.Sc., +NCTVT passed operator trainees for the year 2005 and it was decided to fill up 20 vacancies. For that purpose a decision was taken to only call those persons for interview the apprentices who have started training on or after April 2000 and completed the training subsequently, considering their age requirements. No other candidates previous to 2000 batch or who do not possess the qualifications were called for interview. Considering the Government of India guidelines for reservation, as there was no ST candidates available Respondent company relaxed the cut off date and called two ST candidates who were available from 1996 and 1999 batches, as there was one seat reserved

for ST category. It is pointed out that Petitioner nos.1 and 2 were from 1996 batch and were not from ST category. Petitioner nos. 2 and 3 did not have necessary qualifications and were only HSC pass.

4. Considering the reply filed on behalf of the Respondents we find that there were no infirmities. We do not find any reason for interference in the exercise of our extra ordinary jurisdiction. It is made clear that if the Petitioners are able to point out that the affidavit has not disclosed the correct facts, then it will be open for the Petitioners to apply for recall of this order.

5. Rule discharged with no order as to costs.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)